

To: Legare, Amy[Legare.Amy@epa.gov]
Cc: Yeh, Alice[Yeh.Alice@epa.gov]
From: Flanagan, Sarah
Sent: Tue 7/16/2013 7:02:43 PM
Subject: RE: FOIA - NRRB Comments

Will do. I don't think you would be covered, necessarily, because I expect you have more drafts than we do, so you would probably need to issue your own denial. I was thinking more that it would be helpful to you in determining whether to identify and withhold notes and email, as well as drafts.

This is what I plan to put in the email to Karyllan Mack:

“Region 2 recently learned that EPA HQ received an email requesting NRRB documents with language that parallels the language in FOIA EPA-R2-2013-007419. Should they interpret this to mean that KL Gates is seeking the NRRB comments themselves (as opposed to ancillary documents such as notes and emails relating to the comments)?”

Does this sound right to you?

From: Legare, Amy
Sent: Tuesday, July 16, 2013 1:57 PM
To: Flanagan, Sarah
Cc: Yeh, Alice
Subject: RE: FOIA - NRRB Comments

Our FOIA has the exact same wording. Yes, if you would please ask if we are covered that'd be great.

Amy

From: Flanagan, Sarah
Sent: Monday, July 15, 2013 5:14 PM

To: Legare, Amy
Cc: Yeh, Alice
Subject: FOIA - NRRB Comments

Amy

Attached is the response that Region 2 sent last week, to the FOIA request we received on June 6, 2013, from Robert La Gravenis at KL Gates seeking:

“Any and all documents relating to and resulting from the National Remedy Review Board’s December 2012 review and comment of Region 2’s anticipated selection of a remedy for the lower eight miles of the LPRSA.”

Based on conversations that I had with Karyllan Mack, partner at KL Gates who works on the Diamond Alkali matter, we treated the request as seeking the NRRB memorandum/comments on Region 2’s presentation w/r/t the Lower Passaic River.

If the FOIA request you received has the same wording, I could email Karyalln and ask if you should treat your request in the same way, which might be helpful to you in terms of narrowing the response.

-Sarah

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